

REMARKS

Claims 1-22 are pending in the application. Claims 1-22 stand rejected.

Oath/Declaration

Applicants' declaration was filed with their international patent application, of which this application is the national stage proceeding. The executed declaration is provided on an official WIPO form in compliance with PCT Rule 4.17, and has been approved by the USPTO. According to 37 C.F.R. §1.69(b), an English translation is required only when a foreign language declaration is not provided on such a standard form. Applicants submit that their declaration is not deficient.

Specification

Applicants submitted the following new abstract with their preliminary amendment filed with the application on May 31, 2005:

An electric toothbrush including a pressure fluid device for applying fluid under pressure to teeth to be cleaned or to a bristle set. The pressure fluid device includes a pressure fluid supply in the interior of a movable drive translator. A brush part with a carrier tube is movably mounted with a drive translator therein adapted to be coupled to a drive element in a handle part. A movably mounted bristle carrier mounts a set of bristles and is adapted to be driven in an oscillatory manner by the drive translator. A motor in the handle part drives a drive element adapted to be coupled to a drive element in the brush part and with a pressure fluid conveying device driven by the motor. A pressure fluid channel, which directs the pressure fluid to the toothbrush head, is integrated into the drive translator.

Applicants ask that this Abstract be entered as filed. It is believed that this abstract contains 143 words, and does not contain any terms objectionable under patent office rules. It is expected that this replacement abstract was not considered in the initial examination. If there

remain any objections to this abstract, the Examiner is asked to point them out and they will be promptly addressed.

Claim Rejections – 35 USC § 112

Claims 1-22 stand rejected under 35 U.S.C. §112, second paragraph. Specifically, the Examiner appears to object to characterizations of aspects of the recited elements as being configured, or adapted, to be driven, etc. Although such terms have been held by the CAFC as satisfying §112 if properly understood in light of the specification, Applicants have amended claims 1 and 18 in an attempt to address the Examiner's objection. If the Examiner's objections have not been completely and satisfactorily addressed, the undersigned attorney requests the courtesy of a telephone call to promptly resolve this issue.

Claim Rejections – 35 USC § 102

Claims 1-5 and 8-22 have been rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Pat. No. 6,766,549 ("Klupt"). Applicants respectfully traverse, as Klupt does not disclose all of the features of independent claims 1 or 18, or of any of the claims depending from independent claim 6 that were included in this rejection.

Claims 1 and 18 both feature a drive translator that is movable within the carrier tube and drives the bristle carrier. The Examiner points to drive axis 100 of Klupt as corresponding to this element. It is presumed that the Examiner is referring to Klupt's drive shaft 94, which rotates about axis 100. However, both claims 1 and 18 require that this drive translator itself define a fluid channel. For example, claim 1 recites that the drive translator "defines an interior fluid supply channel forming part of a fluid path..." and claim 18 recites that the drive translator "defines a passage therein, the passage forming a part of a fluid supply channel providing fluid communication between the first end of the drive translator and the bristle carrier, such that fluid pumped into the drive translator from the electric toothbrush handle is delivered to the bristle carrier."

The Klupt drive shaft 94 defines no such passage or channel. Rather, in the Klupt device fluid is delivered to the bristle carrier along a fixed fluid conduit 52 defined by the carrier tube and spaced from the drive shaft 94. The drive shaft itself is illustrated as a solid shaft, and there is no disclosure or suggestion of any fluid channel within the shaft.

Similarly, independent claim 6, from which rejected dependent claims 8-13 and 19-22 all depend, has been amended to recite that the drive element, which is connected to the motor drive shaft through a gear step and is positioned to drive an associated removable brush part, defines a pressure fluid channel in fluid communication with the pump. This feature, from canceled claim 9, is not found in Klupt. Claim 6 has also been amended in other respects not relevant to this rejection but simply to make the claim less wordy, such as by reciting the pressure fluid conveying device as a pump. The term 'pump' is not intended to be further limiting than the language it replaces, and should be understood to refer broadly to any sort of pump, including but not limited to rotary, membrane and piston pumps, as would be understood by those of ordinary skill in this art.

Applicants have only addressed the independent claims in this response, as the office action provides no explanation of where any of the features of the dependent claims may be found in Klupt.

Claim Rejections – 35 USC § 103

Claims 6 and 7 stand rejected under 35 U.S.C. §103(a) as being obvious over Klupt in view of U.S. Pat. No. 6,836,918 ("Wong"). Wong is cited as disclosing "gears." Applicants respectfully traverse, as Wong provides no teaching relevant to the deficiency of Klupt as discussed above with respect to claim 6, and Klupt provides no enablement nor motivation to pump fluid up through the driving element rather than in a fixed channel of the housing.

Furthermore, Applicants wish to correct any misunderstanding concerning the term "gear step," which should be understood as a translation of the original text as meaning a mechanism that transfers a rotation while effecting a change in amount/direction of the rotation. It is not

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necessary that the element contain a 'gear' as an element with teeth, for example. It is noted that in the described embodiment and in claim 20, the 'gear step' comprises a four-bar linkage.

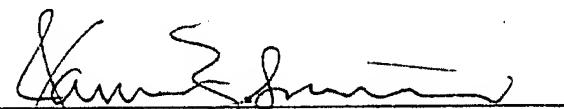
CONCLUSION

It is believed that all of the pending claims have been addressed. However, the absence of a reply to a specific rejection, issue or comment does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above may not be exhaustive, there may be reason for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to amendment. Applicants respectfully request consideration of all filed IDS' not previously considered, by initialing and returning each Form 1449.

The fee for the one-month extension of time for filing this response is being paid concurrently herewith on the Electronic Filing System (EFS) by way of Deposit Account authorization. Please apply all charges or credits to Deposit Account No. 06-1050, referencing Attorney Docket No. 02894-176US1.

Respectfully submitted,

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